

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and following remarks, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-11 are currently pending and are rejected in the Office Action mailed November 30, 2008. By this Amendment, claims 1, 3-6, 8, 10, and 11 are amended as outlined above. No new matter has been introduced. Support for these amendments is provided throughout the Specification as originally filed.

The Examiner has refused to consider the Information disclosure Statement submitted on August 14, 2006, alleging it fails to comply with 37 C.F.R. § 1.98(a)(2) because copies were not provided. However, because the International Searching Authority was the European Patent Office, Applicant is not required to submit copies of the cited references as they have already been provided by the International Bureau. Accordingly, Applicant respectfully requests that the Examiner consider the IDS filed on August 14, 2006.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. § 101, § 102, § 103, or § 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

## **II. OBJECTIONS TO THE SPECIFICATION**

On page 2 of the Office Action, the Specification is objected to because it failed to include section headings. As indicated above, the Specification has been amended to include the proper section headings.

Accordingly, withdrawal of the objection to the Specification is respectfully requested.

## **III. OBJECTIONS TO THE CLAIMS**

On page 2 of the Office Action, claim 10 is objected to for failure to use the present participle form of the verb in a process step. As indicated above in the listing of claims, claim 10 is presently amended to include the proper verb.

Accordingly, withdrawal of the objection to claim 10 is respectfully requested.

## **IV. REJECTIONS UNDER 35 U.S.C. § 112**

Claims 1-11 are rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. In particular, the Examiner has pointed out that the use of "it" in the claims is indefinite because of the equivocal nature of the term. As indicated above in the listing of claims, all recitation of "it" in the claims have been replaced with a positive recitation of the specific term.

Claims 8 and 11 are rejected because they are process claims but allegedly do not recite any process steps.

As indicated above in the listing of claims, claims 8 and 11 are instantly amended to include process steps.

Accordingly, Applicant respectfully requests withdrawal of the § 112 rejections in this application.

**V. REJECTIONS UNDER 35 U.S.C. § 102 AND 35 U.S.C. § 103**

Claims 1 and 8 were rejected under 35 U.S.C. §102 as allegedly anticipated by U.S. Patent No. 4,127,349 to Rasmussen ("Rasmussen"). Claims 2-7 and 9-11 are rejected as allegedly being unpatentable over Rasmussen. The rejections are respectfully traversed for at least the following reasons.

Independent claim 1 recites, *inter alia*:

A thick slab for covering a ground surface, wherein the slab comprises...at least two sections...separated by a deep groove...ending in a point to define a breaking line...allowing the slab to be divided along this breaking line to separate the two sections...and obtain two slabs.

As understood by the Applicant, Rasmussen discloses concrete paving stones made up of adjacent single stones connected by ribs. The ribs extend from the underside of the stones to at most the upper edge of the lateral face of the single stones. (Rasmussen, column 1, lines 52-56 and Figs.1 and 2. Figs. 1 and 3 also show that the ribs are not continuous along the joint length but are instead, interrupted by a space or slot.

According to Rasmussen, the ribs are constructed with at least a portion having reinforcement providing increased tensile strength. (Id., column 1, lines 57-58). The ribs are so designed to keep the individual stones together during transport and rough handling, but to also break under a given vibration after the stone has been positioned in a bed of sand or gravel. (Id., column 2, lines 5-7 and 54-66). Accordingly, it is exclusively the design of the ribs that provides both the strength to hold the stones together as well as the breaking of the stones apart under an applied vibration. The only design criteria discussed is placement of reinforcement at least at the bottom of the rib.

In contrast, instant claim 1 recites, in part, at least two sections of a slab “separated by a deep groove ending in a point to define a breaking line allowing the slab to be divided” along this line. Accordingly, the instant invention includes a deep groove which insures the location of the break due to its specific shape designed for the specific task. In particular, claim 1 includes the recitation that the groove “end[] in a point to define a break line.” Accordingly, as recited on page 6, lines 23-26 of the instant application as filed (paragraph [0032] of the application as published as US 2007/0166102), and shown in at least Figs. 1 and 2, the groove preferably has a V-shape.

The instant application further indicates “A groove with a wide bottom, of rectangular shape, for example, or of insufficient depth, would be unsuitable because the probability of obtaining breaking surfaces with protuberances larger than the acceptable width of a joint between two slabs would be too high.” *Instant Application*, page 6, lines 27-31 as filed (paragraph [0032] as published). An important reason for this distinction is that the slabs of the present invention are supposed to be divided before laying the slab. *Instant Application*, page 3, lines 17-19 as filed (paragraph [0012] as published). This requires that the breaking line between the sections be uniform to allow a correct joint between adjacent individual stones when laid in any geometry or orientation. *Instant Application*, page 9, lines 27-37 as filed (paragraph [0047] as published).

The instant application anticipates breaking the slabs into individual sections by striking the slab on the edge of a hard surface or by means of a sledge hammer or the like. See Figs. 3a, 3b. Breaking the individual sections before laying the stones in position allows distribution of the stones in any geometry to obtain a more natural stone appearance. *Id.*, page 9, line 30 – page 10, line 2. This is contrary to the teaching of Rasmussen in which the single stones are put in

place first, and then the ribs are broken. *Rasmussen*, column 2, lines 62-66. Because the stones in *Rasmussen* are put in place first, then broken into separate parts, the accuracy of the break line is not critical. The individual stones will always lie in the sand bed with the break line aligned as it was prior to separation. *Rasmussen* does not intend reorientation of the individual stones from their arrangement as a single stone with the ribs intact. Instead, the reference is directed to increasing the speed of laying paving stones (*Rasmussen*, column 1, lines 11-14 and column 2, lines 66-68). In contrast, the instant invention is directed to slabs “having sizes that are particularly mutually compatible [] for being distributed over a ground surface in any geometry, so as to obtain a crazy paving effect of the natural stone paving.” *Instant Application*, page 9, line 35 – page 10, line 2 as filed (paragraph [0047] as published).

The ribs disclosed in *Rasmussen* cannot be characterized as providing grooves for breaking the individual stones apart. Firstly, the ribs extend from the under side of the paving slab and may extend up to the lateral faces of the single stones. *Rasmussen*, column 1, lines 54-56. As shown in Figs. 1, 2, and 3, the ribs are present in an interrupted fashion between adjacent individual single stones, with a space or slot separating consecutive ribs. As also shown in the figures, the upper and lower parts of the ribs are planar and do not provide a means for creating an accurate break line. Secondly, *Rasmussen* is silent on creating a rib having any detail that may be considered a groove to facilitate creation of an accurate break line.

For at least the foregoing reasons, it is believed that revised independent claim 1 patentably distinguishes over the relied upon portions of *Rasmussen* and is therefore allowable. Further, claims 2-11, which depend from claim 1, are allowable as well.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

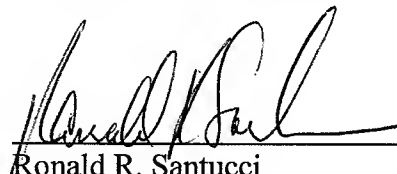
**CONCLUSION**

In view of the foregoing, it is believed that the present application is in condition for allowance. Accordingly, Applicants' attorneys respectfully request that a timely Notice of Allowance be issued in this case.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:



Ronald R. Santucci  
Reg. No. 28,988

Telephone: (212) 588-0800  
Facsimile: (212) 588-0500